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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,132	07/10/2003	David Chisnall	ASF-2	1443

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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,132	Applicant(s) CHISNALL, DAVID	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "hydraulic pivot" is not found in the specification and is new matter. For sake of examination it is assumed applicant meant instead "third powered means using hydraulic power".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1&5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1,5, it is unclear what is meant by "hydraulic pivot" and it appears that "a hydraulic device" of claim 5 does not further limit claim 1. The limitations "an electric device, or a pneumatic device" of claim 5 contradict the hydraulic pivoting of claim 1. Claim 5 itself makes it clear that hydraulic, electric and pneumatic device are different.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8,9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (US 6,315,181) in view of Schatzler (US 2002/0076312) and further in view of Monroig (US 6,413,033).

Re claims 1,5,8,9, Bradley teaches a moveable stowage assembly 10 for a firetruck or emergency vehicle (column 4, line 25), comprising:
a longitudinal member (various apply, 20, 28, etc.) disposed on a top surface of the firetruck configured for moving a stowed ladder (emergency equipment) L;
attachment means 14 (or also 20,38,etc.) for connecting the stowed ladder L to the longitudinal member, the attachment means being adapted to travel along the longitudinal member;
first powered means 92,68,64,(or gravity, etc.) defining a closed loop (meets Meriam-Webster's 10th edition collegiate dictionary definition of a loop: "to move in loops or an arc", "...a closed or partly open curve...", etc.) for moving the attachment means 14 (or also 20,38,etc.) between a stowed position and an access position;
a base member 20,14 secured pivotally to the top surface of the firetruck, the longitudinal member (various apply, 20, 28, etc.) being moveable over the base member

by second powered means 92,68,64,(or gravity, etc.) for moving the longitudinal member between a stowed position and an access position;
means 92,68,64,(or gravity, etc.) for releasably securing the longitudinal member in the stowed position first stop means 92,68,64,(or gravity, etc.) to hold the longitudinal member in an access position on the base member;
third powered means 92,68,64,(or gravity, etc.) for pivotally moving the base member between stowed position and an access position; and
second stop means 92,68,64,(or gravity, etc.) for holding the base member in the access position.

Bradley does not teach the closed loop being both powered and endless. Schatzler teaches a powered, endless closed loop to allow for easier loading and unloading of cargo (column 1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bradley by the general teaching of Schatzler to have first and/or second powered means be a powered, endless closed loop as a functionally equivalent powered means and to allow for easier loading and unloading of cargo.

Bradley teaches the third powered means 92,68,64, (or gravity, etc.) being pneumatic (64) but does not teach a hydraulic pivoting device. Monroig teaches linear hydraulic cylinder powered means 38 for pivoting a lifting device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bradley by the general teaching of Monroig to have the cylinder be hydraulic in order to use an known equivalent and to and to provide greater movement control.

Re claims 2,3,11 Bradley teaches that various modifications and variations are within the teaching of his invention but does not mention the closed loop formed by one of a belt, a chain and combinations thereof running around a plurality of sprockets, at least one sprocket being power driven. Schatzler teaches multiple powered means with a closed loop formed by a belt running around a plurality of sprockets, at least one sprocket being power driven to allow for easier loading and unloading of cargo (column 1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bradley by the general teaching of Schatzler to have first and/or second powered means be a closed loop formed by one of a belt running around a plurality of sprockets, at least one sprocket being power driven as a functionally equivalent powered means and to allow for easier loading and unloading of cargo.

Re claim 4, Bradley teaches the third powered means 92,68,64, (or gravity, etc.) being an actuator.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Bradley (US 6,315,181) in view of Schatzler (US 2002/0076312) and Monroig (US 6,413,033) as applied in claim 1 and further in view of Reimer (US 5,346,355).

Re claim 6, Bradley does not mention a sensor being configured to sense a movement of the stowage assembly.

Riemer teaches sensors (limit switches, solenoids, columns 8-9) configured to sense a movement of the stowage to sequence and regulate movement of the stowage

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82 (etc.) in order to prevent any improper movement (column 8, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Riecki by the general teaching of Riemer to automate the carrier and have a sensor configured to sense a movement of the stowage to sequence and regulate movement of the stowage in order to prevent any improper movement.

Claim 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (US 6,315,181) in view of Schatzler (US 2002/0076312) and Monroig (US 6,413,033) as applied in claim 8 and further in view of Riemer (US 5,346,355).

Re claim 12, Bradley does not teach remote control. Riemer teaches use of remote controls (column 2, lines 19-22) to reduce the workload of the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bradley by the general teaching of Riemer to use remote controls to reduce the workload of the user.

Conclusion

Applicant's arguments filed 3/3/06 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1 & 8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Bradley and applicant's invention are directed to different problems. However both the applicant's device and Bradley are directed to lifting of

ladders onto vehicles and are classified in the same class and subclass. Furthermore, merely automating and manual device does not provide a patentable distinction.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600